

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 ONY-00 CCO-00 /011 W
----- 105307

O 030850Z DEC 76
FM USINT BAGHDAD
TO SECSTATE WASHDC NIACT IMMEDIATE 3873

S E C R E T BAGHDAD 1788

FOR NEA/ARN

E.O. 11652: GDS
TAGS: SHUM, MASS, IZ
SUBJ: HUMAN RIGHTS IN IRAQ

REF: (A) STATE 045319, (B) STATE 287527, (C) BAGHDAD 1770

1. SUMMARY: THE CONCEPT OF INDIVIDUAL HUMAN RIGHTS AS UNDERSTOOD IN THE WEST IS FOREIGN TO IRAQ; NO LEGAL SAFEGUARDS PROTECT IRAQIS FROM ARBITRARY ARREST, TORTURE, AND, IN SOME CASES, SUMMARY EXECUTION. WITH AT LEAST FOUR SEPARATE AND COMPETING POLICE ORGANIZATIONS, THE MAINTENANCE OF A CLIMATE OF FEAR THROUGH ARBITRARY DETENTION AND TORTURE IS AN INSTRUMENT OF STATE POLICY. AMONG THE THIRTY ARTICLES OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, IN PRACTICE IRAQ RESPECTS ONLY ARTICLE 4, WHICH PROHIBITS SLAVERY AND THE SLAVE TRADE. IN SHORT, WHILE THE PRESENT REGIME ASPIRES TO ELIMINATE DISCRIMINATION ON THE BASIS OF RACE, RELIGION, OR CLASS AND SEEKS TO PROVIDE EQUAL OPPORTUNITIES FOR ALL ITS CITIZENS, INDIVIDUALS ARE ESSENTIALLY EQUAL NOT BEFORE THE LAW BUT BEFORE THE ARBITRARY POWER OF THE GOVERNMENT. END SUMMARY.

2. THE PRESENT IRAQI REGIME ASSERTS THAT THE 1971 INTERIM CONSTITUTION PROVIDES THE LEGAL FOUNDATION FOR ITS RULE. WHILE THE SECTION CONCERNING THE "BASIC RIGHTS AND DUTIES" OF IRAQI CITIZENS GUARANTEES MOST OF THE RIGHTS LISTED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, "ANY ACT OR CONDUCT WHICH AIMS AT BREAKING THE NATIONAL UNITY OF THE MASSES OF THE NATION...OR AGGRESSION ON THEIR PROGRESSIVE

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GAINS AND ACHIEVEMENTS" IS PROHIBITED. THE INTERIM CONSTITUTION,

MOREOVER, ALLOWS THE REVOLUTIONARY COMMAND COUNCIL TO "A) PROMULGATE LAWS AND RESOLUTIONS WHICH HAVE THE POWER OF LAW AND B) TO ISSUE RESOLUTIONS REQUIRED BY THE NECESSITIES OF APPLYING THE PROVISIONS OF THE ENFORCED LAWS".

3. SECRECY SURROUNDS ALL ACTIONS BY THE POLICE AND, FOR THAT MATTER, ALMOST ALL ACTIVITIES OF THE GOVERNMENT. IT IS, THEREFORE, IMPOSSIBLE TO OBTAIN A COMPREHENSIVE PICTURE OF THE FREQUENCY WITH WHICH HUMAN RIGHTS ARE VIOLATED. USINT HAS HEARD RUMORS OF MOST OF THE VIOLATIONS REPORTED IN THE MIDDLE EAST SECTION OF THE 1975-76 AMNESTY INTERNATIONAL REPORT. MOREOVER, ACCORDING TO SOME INFORMANTS, 30 TO 40 THOUSAND IRAQI KURDS HAVE BEEN DEPORTED FROM THEIR TRADITIONAL HOMES IN THE NORTH AND FORCIBLY RESETTLED IN THE SOUTH OF IRAQ. WE KNOW THAT SOME USINT EMPLOYEES HAVE BEEN ARRESTED AND TORTURED, AND WE ARE INFORMED THAT DETENTION FOR LONG PERIODS WITHOUT TRIAL IS COMMON AND THAT PEOPLE ARE SOMETIMES EXECUTED FOLLOWING SECRET TRIALS.

4. WE HAVE HEARD THAT THE REGIME HAS BEEN CONCERNED ABOUT ARBITRARY ABUSE OF POLICE POWER AND HAS ASSIGNED THE RESPONSIBILITY FOR LIMITING THE ABUSE OF POLICE POWERS TO THE MUKHABARAT, THE MOST POWERFUL POLICE/INTELLIGENCE ORGANIZATION. THE CHIEF OF THE MUKHABARAT REPORTS DIRECTLY TO SADDAM HUSSEIN AND NOT TO THE MINISTER OF THE INTERIOR WHO IS RESPONSIBLE FOR THE REGULAR POLICE. CAPRICIOUS EXERCISE OF POLICE POWERS IS SOMETIMES DEALT WITH BY SEVERE PUNISHMENTS FOR THE OFFENDING OFFICIALS.

5. THE BAATH REGIME IS STILL INSECURE AND SEEKS TOTAL POLITICAL CONTROL. IT WILL NOT GRANT ANY HUMAN RIGHTS WHICH IT PERCEIVES AS AFFORDING PROTECTION TO POTENTIAL POLITICAL OPPONENTS. ON THE OTHER HAND THE REGIME HAS MADE CONSIDERABLE EFFORTS TO ELIMINATE RACIAL AND RELIGIOUS DISCRIMINATION AND TO PROVIDE EMPLOYMENT, HOUSING, EDUCATION, SOCIAL SECURITY, AND AN ADEQUATE STANDARD OF LIVING, INCLUDING FOOD, CLOTHING, HOUSING, MEDICAL CARE, AND THE BASIC SOCIAL SERVICES TO THE PEOPLE OF IRAQ. WHILE INDIVIDUALS DO NOT HAVE RIGHTS AS WE KNOW THEM, THE REGIME BELIEVES THAT THE IRAQI PEOPLE, "THE MASSES", HAVE A RIGHT TO A BETTER MATERIAL STANDARD OF LIVING.

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6. SINCE IRAQ SEVERED DIPLOMATIC RELATIONS WITH THE UNITED STATES IN 1967 AND PUBLICLY CONCERNS U.S. POLICIES, THE INTERESTS SECTION HAS LITTLE LEVERAGE TO EXERT ON THE GOI ON HUMAN RIGHTS ISSUES.

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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, REPORTS, SLAVERY
Control Number: n/a
Copy: SINGLE
Draft Date: 03 DEC 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ellisoob
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976BAGHDA01788
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760447-0925
From: BAGHDAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19761272/aaaackoe.tel
Line Count: 113
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: SECRET
Original Handling Restrictions: ONLY
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: ONLY
Reference: 76 STATE 45319, 76 STATE 287527, 76 BAGHDAD 1770
Review Action: RELEASED, APPROVED
Review Authority: ellisoob
Review Comment: n/a
Review Content Flags:
Review Date: 10 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 JUN 2004 by ElyME>; APPROVED <06 OCT 2004 by ellisoob>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: HUMAN RIGHTS IN IRAQ
TAGS: SHUM, MASS, IZ
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006